IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16969 of 2001

Between:

1 DUMBALA SAOMA NARSOJI, S/O. NARSOJI,
R/o. 1/728/C-1, Balasamudram, Hanmakonda, Warangal District.
2 Kacham Venkata narsaiah, S/o. Narayana,
R/o. 1/728/C-1, Balasamudram, Hanmakonda, Warangal District.

..... PETITIONERS

AND

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Jangaon, Warangal District.
3 The Sub Registrar (Assurances), Jangaon, Warangal District.
4 Mr. Mr. Siddhartha Dev Pagidipati, rep. by his Special Power of Attorney Holder, Sri Ravi Koteswara Rao, S/o. Late R.Bhujanga Rayudu, 80 years, Occ: Agriculture, R/o. Flat No.205, Badam Sohana Apartment,Somajiguda, Rajbhavan Road,
Hyderabad, (R-4 is impleaded as per C.O. Dt. 6.12.2004 in WPMP.No. 17067 of 2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the third respondent in not registering the document bearing No.P/58/2001 presented by the petitioners for purchase of land bearing Sy.No.161/1 admeasuring 3 acres situated at Jangaon Village and Mandal, Warangal District, as illegal and arbitrary, by directing the third respondent to forthwith register and release the document without reference to the instructions issued by the Respondents No.1 & 2 ; Award costs and pass such other or further orders.

Counsel for the Petitioners : MR. K.RAGHUVEER REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE
Counsel for the Respondent No.4: Mr. U.Muralidhar Rao

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16969 OF 2001

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ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 3rd respondent - Sub-Registrar, Jangaon, in not registering the document presented by the petitioners for purchase of land to an extent of Ac.3.00 cents situated in Sy.No.161/1 of Jangaon Village and Mandal, Warangal District as arbitrary and illegal.

The petitioners state that they have purchased the land in Sy.No.161/1 from one Siddartha Dev Pagidipati, a Non-resident Indian, represented through his General Power of Attorney-holder by name Suresh Babu Pagidipati. The consideration agreed upon was paid and the document was executed on 10-08-2001 and the same was presented before the 3rd respondent duly paying the requisite amount payable under the Indian Stamp Act. The third respondent though received the document has kept the same pending without any valid reasons. On a

representation made by the petitioners, the third respondent on 11-08-2001 informed them that the District Collector by letter dated 8-8-2001 instructed not to entertain any document in respect of the land in Sy.No.161 of Jangaon. A copy of the letter dated 8-8-2001 furnished to the petitioners shows that one Pagidipati Devaiah, who is the father of the petitioners' vendor Siddartha Dev Pagidipati, submitted a petition before the District Collector, Warangal stating that his son has never authorised Pagidipati Suresh Babu to sell the property in question. On the basis of the said petition, the District Collector directed the 2nd respondent - Revenue Divisional Officer, Jangaon to issue necessary instructions to the third respondent not to entertain any document in respect of the land in Sy.No.161 of Jangaon on the basis of the power of attorney till the investigation is completed by the Police.

Aggrieved by the said action of the respondents, this writ petition is filed contending inter alia that the respondents 1 and 2 have no jurisdiction to issue instructions to the 3rd respondent thereby restraining him from registering the document in question which was presented complying with all the statutory requirements.

The third respondent filed a counter-affidavit stating that the document in question was presented on 10-8-2001 duly paying the requisite stamp duty. However, the same could not be registered in view of the instructions of the 2nd respondent dated 8-8-2001 directing not to entertain registration of any document.

Subsequently, the owner of the land in question Mr. Siddartha Dev Pagidipati got himself impleaded as 4th respondent and filed a counter-affidavit stating that Pagidipati Devaiah is his father and in fact he purchased the land in question in his name and therefore he addressed a letter to the 1st respondent – District Collector bringing to his notice that the General Power of Attorney-holder was not authorised to sell the property in question.

I have heard the learned counsel for both the parties and perused the material on record.

At the outset, it is to be noted that this Court while directing Rule Nisi in the writ petition, by order dated 16-8-2001 in W.P.M.P.No.21222 of 2001 granted interim suspension of the proceedings of the 2nd respondent dated 8-8-2001. The third respondent in his counter-affidavit has stated that in compliance with the interim order of this Court the document presented by the petitioners was registered on 23-8-2001 and the same was handed over to the writ petitioners on the same day. The said fact is not disputed by the 4th respondent.

Since admittedly the document in question was already registered and delivered to the petitioner as long back as in the year 2001, the petitioner has got the relief sought for. Hence, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition leaving it open to the 4th respondent to work out the appropriate remedy before the proper forum for redressal of his grievance, if any.

The Writ Petition is accordingly disposed of. No costs.

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8th June, 2005.

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To

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Jangaon, Warangal District.
3 The Sub Registrar (Assurances), Jangaon, Warangal District.
4. Two CCs to G.P. for Revenue, High Court of AP, Hyderabad (OUT).

5. Two CD copies.